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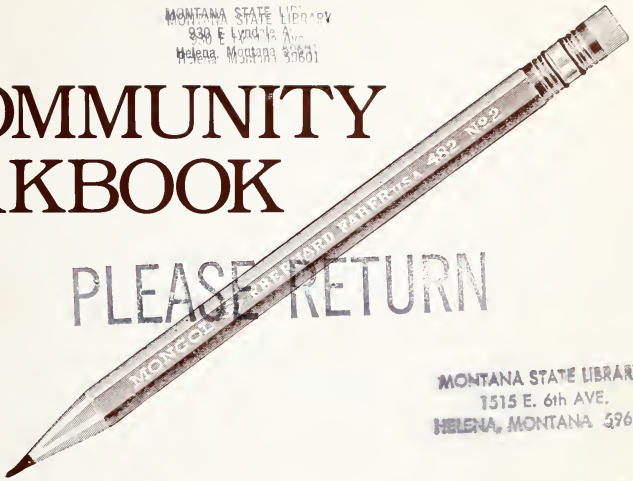

Citizens' Guide to

NEPA*, MEPA* and the Environmental Impact Statement Process

*National Environmental Protection Act, Montana Environmental Protection Act

Prepared by the Environmental Information Center

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Volume III
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A Citizen's Guide to NEPA*, MEPA* and the Environmental Impact Statement Process

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*National Environmental Policy Act -- Montana Environmental Policy Act

Prepared by the Environmental Information Center – Box 1184, Helena

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INTRODUCTION

What would you do if you opened your morning mail and found a 1,204-page bundle entitled "Draft Environmental Impact Statement-Proposed Plan of Mining and Reclamation, East Decker and North Extension Mines, Decker Coal Company, Bighorn County, Montana."?

You might add it to your already groaning bookshelves or simply throw it in the circular file. But if you lived in Bighorn County, that imposing document could play a big part in determining the future of your community. So you'd try to read it and understand it and discover, if you're like most people, that you don't have the time or the technical background to comprehend all that information.

That is the dilemma facing many Montana citizens today: The Environmental Impact Statements (EIS's) mandated by both a federal and a Montana state environmental law contain vitally needed information, but they are difficult, if not impossible, to read.

These two laws, the 1970 National Environmental Policy Act (NEPA) and the 1971 Montana Environmental Policy Act (MEPA) were hailed by environmentalists across the nation as landmark pieces of legislation. Although interpretation of these very similar laws varies, it seems fairly clear that MEPA and NEPA were designed to insure that accurate information on the environmental impacts of proposed projects and programs is made available to the public and to government agencies responsible for resource management *before* any major project is approved.

The result? Literally millions of pages of often incomprehensible Environmental Impact Statements. Neither MEPA nor NEPA has made the sweeping changes in environmental policy intended by the lawmakers who wrote and passed the laws. Government decisionmakers still don't seem to consider environmental effects as important as technical, economic and political concerns. Impact statements are used not so much as decision-making tools, as rationalizations for decisions already made.

However, Environmental Impact Statements *have* had a definite positive influence.

They focus more attention on environmental problems. They've made it harder for federal and state agencies to make resource decisions behind closed doors. By publicizing potentially hazardous projects, the EIS process has even forced some developers to consider environmental effects in the early stages of their project planning, if only to avoid the threat of delay and lawsuits brought about by citizen participation in the EIS process. Most important, the Environmental Impact Statement process has made citizens more aware of environmental problems and encouraged them to become involved in determining the future of national and state natural resources.

We feel that the EIS process could be much more accessible to citizens if some of the mystique was removed. This is particularly true for the citizens of Montana. Because the future of every Montanan will be affected by the increasing pressure for development of the state's abundant natural resources, the term "EIS" should become a household word.

Therefore, we offer this Community Workbook as a tool to help citizens understand NEPA, MEPA and the EIS process and what they should expect of these environmental laws. It was prepared by the Environmental Information Center, a Montana grassroots organization concerned with the wise use of the state's natural resources, under a grant from the Environmental Education Office of the U.S. Dept. of Health, Education and Welfare.

The goals of this Workbook are:

- To explain NEPA and MEPA and the purposes of the two Acts.
- To explain the function of the EIS process in fulfilling the objectives of NEPA and MEPA.
- To teach citizens how to use the EIS process to influence government decisions on resource issues by (a) identifying points of entry for citizen involvement in the course of the EIS process; (b) offering guidelines for review and commentary on EIS's; and (c) listing federal and state agencies, groups and individuals that can help citizens understand and evaluate specific impact statements.
- To point out problems and shortcomings in NEPA, MEPA and the current EIS process.
- To suggest means by which the EIS process and the two Acts can be made to function as intended by the lawmakers who created them.

PART I

1 The National Environmental Policy Act (NEPA)

The National Environmental Policy Act, signed into law Jan. 1, 1970, was created in response to public concern about the alarming increase in air and water pollution. Its passage reflected a heightened national consciousness of the environmental problems facing the nation and a realization that the growing threats to the health of the country's land, air, water and people could no longer be ignored.

The stated purpose of NEPA is to ". . . encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of ecological systems and natural resources important to the nation."

NEPA states that every United States citizen has a right to a healthful environment and the federal government has a responsibility to protect that right. To accomplish this purpose, the Act established the Council on Environmental Quality (CEQ) in the office of the President. NEPA directed the CEQ to study the condition of the nation's environment and develop programs and policies to promote improvement of the environment. CEQ is also responsible for coordinating federal environmental efforts, advising the President on environmental matters, and assisting federal agencies in preparing Environmental Impact Statements.

The Federal EIS Process

Whenever a federal agency contemplates a "major federal action significantly affecting the human environment", NEPA re-

quires the agency to prepare a detailed statement. The purpose of this statement is to describe how the proposed action will affect the environment.

NEPA defines "human environment" as the natural physical and biological environment and the interaction of humans within that environment. "Environment," therefore, includes not only air, water and wildlife, but human living patterns and social and economic considerations.

Defining what constitutes a "major federal action" that will "significantly affect the human environment" is not always a cut-and-dried matter. Often the federal courts are petitioned to decide whether an action is major. Since NEPA's inception, the definition of a major federal action has been interpreted to address recommendations by a federal agency on proposed federal legislation that would significantly affect environmental quality. Any individual projects and programs initiated directly by a federal agency are also subject to NEPA regulations. Examples would include a dam proposed by the Army Corps of Engineers and the Bureau of Land Management's continuing timber management program. NEPA's stipulations also address those projects and programs supported in whole or in part by federal contracts, grants, subsidies, loans or other forms of funding assistance and those private projects or programs requiring a permit from a federal agency. Any new or modified government policies, regulations or procedures that will affect environmental quality are covered by NEPA's provisions. For example, an EIS must be prepared if the federal government proposes new air qualtiy standards.

Determining the Need for an EIS

The Council on Environmental Quality (CEQ) has prepared official guidelines to help federal agencies determine when an EIS may be required. Each agency has its own regulations, based on the CEQ guidelines, which more specifically outline the criteria and procedures for that particular agency. After a major action or project is proposed, the federal agency responsible for regulating that project is designated as the lead agency. The lead agency decides whether an EIS is needed, coordinates its preparation, and eventually approves or disapproves the action.

The lead agency conducts an environmental assessment, which is a brief study of the possible environmental consequences of a proposed action, to determine whether a complete study is needed. If the environmental assessment indicates that the proposal merits preparation of an EIS, the agency publishes a notice of intent, alerting the public and other agencies that a study is going to be done. Agencies must publish notices of intent in the Federal Register, a weekly publication by the federal government. The Federal Register is available at most public libraries.

If the environmental assessment shows that environmental impacts of the proposal would not be significant enough to require further study, the agency files a negative declaration. This notifies the public and other agencies that the agency has decided not to write an EIS and explains how that decision was reached.

Citizen Involvement

Influencing the Decision To Write an EIS

One of NEPA's important goals is to allow the public to influence government decision making. Therefore, it is vitally important for concerned citizens to become involved in the EIS process as early as possible, preferably immediately after an agency receives an application for approval of a project or decides to undertake a project itself. Unfortunately, there is no formal process to notify citizens about a proposed action at this stage of the game. In fact, citizens are often the last to learn of a proposal. Citizens must therefore often rely on their own alertness and communication networks to learn of a proposed action. The best way to plug into such communications networks would be to subscribe to the newsletters of national organizations such as the Sierra Club and state organizations such as Montana's

Environmental Information Center (see Appendix B for others). These and similar citizens' groups often trade information with other national and state groups on upcoming actions. After contacting other concerned groups, the affected citizen groups must decide whether the action merits an EIS.

The first step is to find out as much as possible about a proposed action. What purpose will the action serve? Where will it be located? What is the timetable for the proposal? Is it a federal, state or local action? Does the action involve substantial planning or funding by the federal government?

If the agency decides that the proposal does not require an environmental study, and you agree with that decision, your job is done. If you feel that the agency's decision not to prepare an EIS is wrong, you may object to the agency's decision. When deciding whether you agree with an agency's decision, it is important to know whether the agency has followed the CEQ guidelines in making that decision. The newly revised CEQ guidelines, which will soon become law, are printed in the June 9, 1978 issue of the Federal Register.

The agency also should have followed its own regulations on environmental assessments. These can generally be obtained from the agency itself, and they are also published in the Code of Federal Regulations, available at law libraries.

You can also determine whether the proposal is similar to other projects that have required EIS's. The CEQ receives copies of all federal EIS's and publishes a list of those available for public comment each week in the Federal Register. Also check *Environmental Impact Statements: The Guide to EIS's* (Washington, D.C. 1971) for descriptions of past projects that have required EIS's.

Reversing an Agency's Negative Declaration

The decision not to write an EIS need not be final. An agency's decision is appealable through the courts. Three things may reverse an agency's decision not to prepare an EIS. If new information shows that the environmental degradation associated with the proposal would be worse than the environmental assessment indicates, an agency may be forced to re-evaluate its decision. Citizens should contact other federal, state and local agencies, contractors and consultants for the project, other experts with knowledge about this or similar projects and residents of the affected area. Although an agency's assessment probably did not address all possible impacts, any new information you dig up should concern major environmental effects. You don't want to alienate agency personnel by wasting their time with trivial problems. You should visit the agency, ask officials there to explain their decision, present your case and try to change their minds. (It is important to achieve and maintain a cordial and cooperative relationship with agency personnel during the early stages of the EIS process because it will influence your effectiveness throughout the process.)

If that attempt fails, citizens can try to reverse the agency's decision with a public pressure campaign. Write a position paper explaining why your group believes an EIS is necessary. Send it to the correct agency, the CEQ, the Environmental Protection Agency, state environmental agencies, concerned federal, state and local officials, news media and other concerned groups. Follow up with a phone call to each and ask them to join you in your request that the agency prepare an EIS. You may want to form a coalition with these people and continue trying to persuade the agency to reverse its decision.

As a last resort, you can initiate a lawsuit to force the agency to respond. Litigation is an expensive alternative, but it has succeeded in important cases. You might be able to get help through a lawyer who specializes in environmental law or a public interest law firm such as the Environmental Defense Fund, the Sierra Club Legal Defense Fund, the Natural Resource Defense Council, or a national or state conservation group with a defense fund (see Appendix A). Citizens have successfully forced agencies to reverse their "negative declarations." It's both a difficult and crucial task and one that individuals are better advised not to attempt alone. In fact, your effectiveness will be greatly increased throughout the entire EIS process if you join forces with others--either by forming a group to address a particular project or by joining an existing citizens' group concerned with natural resource

issues. Ask the lead agency for a list of other individuals, groups and federal, state and local officials concerned with the issue. Contact these people to see whether you can exchange information, pool resources, form coalitions and establish cooperative endeavors. Appendix B of this Workbook lists some Montana groups and agencies that you may wish to contact.

PART I

2 Preparation of the Draft EIS

If a federal agency decides that a proposed action requires an Environmental Impact Statement, a draft EIS is prepared. The draft EIS is sent to other concerned government agencies, groups and individuals. A period of time is allowed for comment on the draft statement. After considering those comments, the agency prepares a final EIS. The agency must then take a decision to approve or disapprove the proposed action.

After the decision is made to prepare an EIS, the agency must determine the timing, scope, and type of preparation of the document. The EIS process should start as soon as federal officials contemplate a major action. It should be conducted at the same time as preliminary technical and economic studies. Deadlines for completion of the draft and final EIS differ according to individual agency regulations. "Scope" refers to the range of actions, alternatives and impacts to be considered in the EIS. The most critical (and often controversial) question in determing scope is whether the EIS will be a project EIS or a programmatic EIS. A project EIS describes only the impacts of one specific project, such as a single hydroelectric dam. A programmatic EIS addresses a series of interconnected projects, such as the U.S. Army Corps of Engineers' entire program of dam building. A programmatic EIS may cover several projects within a geographic area or a basic agency policy. The lead agency may contract portions of the environmental study to professional consulting companies or other agencies that have expertise in specific areas of the proposed action. However, the lead agency is ultimately responsible for the adequacy of the EIS.

Citizen Involvement

Preparation of the Draft EIS

Preparation of a draft EIS can take months or years to complete. Citizens should become thoroughly familiar with the project, its potential impacts, and the agency and individuals working on the impact study before the draft EIS is released.

A draft EIS should be completed in the early stages of project planning. If the technical, economic, legal and political requirements of the project are finalized before the environmental studies are done, the environmental effects of the project as proposed may have little influence on the final decision. This happens all too often in the EIS process because there is no rule regulating the timing of environmental studies.

When citizens learn of a "notice of intent" to write an EIS, they should ask when the draft will be released. If you learned that it will be released after other planning for the project is completed, you should protest to the agency.

It is also important to be aware of the scope an agency chooses in preparing the EIS because it will crucially affect the usefulness of the Statement in helping the agency and citizens assess the effects of the proposed action. Studying the potential environmental consequences of a proposal may require that an entire program be reviewed. However, if the agency decides to study only one individual project within that program, many important

issues and alternatives will never be discussed.

For example, the company sponsoring the proposed Northern Tier pipeline, which would be constructed to carry Alaskan crude oil from the Washington coast to the Midwest, applied for a permit from the Federal Bureau of Land Management (BLM) to construct portions of the line across federal lands. The BLM is currently preparing an EIS on the pipeline. Some observers believe the EIS should study alternative methods of alleviating the Midwest's energy supply shortage. Would energy conservation, solar energy programs, etc., be more economical and environmentally beneficial? The BLM decided, before the public became involved, that the EIS should be a *project* EIS rather than a *programmatic* EIS. Therefore, the Northern Tier EIS does not discuss the pros and cons of alternative energy sources. It addresses only alternative routes, alternative construction methods, etc. for the pipeline. Litigation against BLM is being considered by some public interest groups to force the agency to expand its scope to that of a programmatic EIS.

If you are uncertain about the proper scope of a project, consult the CEQ guidelines and the agency's regulations. They outline how agencies should decide on scope and how that decision can be appealed.

Often agencies will voluntarily hold preliminary meetings to ask for suggestions on issues an EIS should discuss. Agencies can sometimes be persuaded to hold such meetings. Although the suggestions may or may not be taken seriously by an agency, these meetings can provide a good opportunity to meet other interested parties. CEQ's new guidelines will require each agency to hold scoping meetings to reach agreement from all concerned parties on issues the EIS must address.

Remember that it is important to establish a good working relationship with the agency personnel as early as possible. Find out who is working on the document and discuss your concerns with them. The individuals who are researching and writing the EIS can be an invaluable resource. They will see facts and data about the proposal which may never be seen by the public because of political pressure for the project or other factors. In fact, the EIS as it appears in print is sometimes unrecognizable to those who wrote it. These researchers and writers may be willing to supply information about those controversial sections which were censored from the document.

Check the agency's mailing list for the names of other concerned people you can contact.

PART I

3 Organization of the Draft Statement

Organization of the contents of the EIS varies from agency to agency, but NEPA requires a certain framework, which must include:

- A detailed description of the proposal, including the necessary agency action, such as issuance of a permit.
- Analysis of the beneficial and adverse environmental impacts that the project might cause.
- Discussion of all unavoidable adverse impacts that the project might cause.
- Analysis of all alternatives to the proposed action. Often, the most important section of an EIS is the assessment of alternatives which would "avoid or minimize adverse impacts." An entire range of alternatives should be presented, including the option of abandoning the project.
- Evaluation of the short term vs. long term uses of man's environment. The immediate benefits or problems the project would generate should be compared to future possibilities in the area if the project is abandoned. This discussion should include impacts which would eliminate future options or pose long term threats to public health or safety.
- Discussion of the irreversible and irretrievable commitments of resources needed by the project.

The purpose of these requirements is to alert the government and the public to a proposal's potential environmental consequences *before* a decision is made to go ahead on the project. Any project's benefits

are supposed to be balanced against other values that would be lost if the project were approved. Thus, a project's benefits must be shown to outweigh its consequences. Alternative approaches (mitigating measures) to the project or program must be evaluated to determine whether modifications in the project, such as siting the project in a different area, using better pollution control devices, altering its size, etc., would make it more environmentally acceptable.

An Impact Statement must also discuss effects of a proposed action on communities and living patterns because an alteration of the environment can, of course, alter the quality of life. This is one of the most important and frequently overlooked considerations of an EIS.

An example is the impacts of coal development in the small agricultural communities of eastern Montana. The large coal-fired power plants at Colstrip, Montana, have charged the structure of that community considerably, bringing in large numbers of workers into the town and increasing demand for public services, schools, housing and transportation facilities.

Examples of areas of potential social impacts include:

- availability, type and cost of housing.
- neighborhood or community social patterns.
- availability and adequacy of public services.
- cultural activity.
- public safety.
- availability and cost of transportation.
- recreation facilities.
- land values and tax rates.
- employment and income opportunities.
- public physical and mental health.
- historical and traditional qualities.
- educational services.
- crime rate.

The CEQ's newly revised guidelines will shorten these EIS requirements to include evaluation of the proposed action and its alternatives, a description of the environment that will be impacted by the proposal, and possible environmental consequences.

Citizen Involvement

Reviewing the Draft EIS

After a draft EIS is released, there is a 45-day comment period, with a possible 15-day extension. Unfortunately, the release of the draft EIS is often the earliest point at which citizens become involved in the EIS process. If you learn of a proposal at this point, try to make up for lost time by contacting the lead and agency and asking for a description of the EIS's preparation. Try to determine whether the EIS meets CEQ guidelines and the agency's regulations.

Attempting to evaluate a voluminous, highly technical draft EIS can be an intimidating experience. To get a quick overview of the situation, turn first to the section on *project description* and *agency's recommended action*; then read the section on *unavoidable adverse environmental impacts.*

Few citizens have the time or expertise to tackle an entire EIS. Don't try to go it alone. Unless your group has access to an EIS expert, you should farm out sections of the Statement among members of the group to review. Ask professionals in your group or community, such as hydrologists, botanists and historians, to critique the document. Consult Apendix B of the Workbook to see who in Montana can provide expertise and advice in the areas of your concern.

The purpose of an EIS is to help the government and citizens decide whether a proposal should be approved. The EIS must have adequate information to help you make that decision. Therefore, you must evaluate not only the proposal, but the EIS itself. As you review the EIS, use the following checklist to help you decide whether all the major issues have been thoroughly covered:

1. Background information

Does the EIS contain statistics on the physical aspects of the proposal: The vegetation, wildlife, etc. of the area that the proposal will affect? Does the agency say where it obtained this information? Are those sources reliable or biased? Is the information substantive, or is it a lot of useless statistics and facts that fill up pages and hide the real issues? Does the EIS clearly explain the proposal and the agency's recommended action?

2. Probably impacts.

How completely does the EIS discuss each impact?

3. Methodology.

Does the document contain many vague, ambiguous phrases such as "could be," "might," "possibly," and so forth? This could mean that insufficient information was gathered.

4. Significance of impacts.

Does the EIS merely spout statistics on impacts, or does it put the statistics in an understandable context so that the reader can judge their significance? For instance, the fact that a proposed coal-fired plant will require *X* amount of water annually from the Yellowstone River means nothing unless one knows the annual flow of the Yellowstone and the amount of that flow already used for other purposes.

In addition to checking the content of the EIS, make sure the agency or agencies have followed the proper EIS procedure.

How well was the draft EIS circulated?

Will the time allowed for review be adequate to critique the scope of the EIS?

Will the hearings on the EIS be held at times and in locations convenient for concerned citizens who may wish to testify?

You must now decide, on the basis of the information you've gathered, whether the stated benefits of the proposal would outweigh its potential impacts on the environment and whether there are alternatives (mitigating measures) that would make the proposal acceptable.

Public Comment on the Draft EIS

Each agency has its own method of gathering and recording public comment on the draft statement. Some accept only written comments, while others also will hold public hearings. Public hearings should be well-publicized.

Although agencies are required to encourage public participation very few proposals are revised on the basis of citizen comments. By the time the draft EIS is released, the agency probably has spent months working on and revising the proposal and may well have adopted the proposal as it appears in the EIS. Therefore, the agency may be highly reluctant to alter it. In addition, professional agency staff often do not use advice given by nonprofessional citizens. And the agency is probably facing a deadline, so it often wants to issue approval as quickly and with as little hassle as possible.

With that in mind, your group should prepare its comments with care. Though you may have many concerns, focus on the critical issues--those you believe the agency must address. Coordinate with other groups and individuals to make sure that all areas of concern are covered by someone.

Suggestions for organizing your comments:

- Make your comments *clear* and *specific*. Whenever possible, refer to the specific page, paragraph and line number in the EIS.
- After each of your criticisms, specify clearly what you want the agency to do. For example, do you want an explanation of the methodology the agency used in arriving at a certain conclusion? More statistics? Additional alternatives?
- Be sure to state clearly, both in your introduction and summary, what your overall opinion of the proposal is--whether you favor or oppose it. If you oppose it, clearly explain why.
- If you object to part or all of the proposal, try to offer positive, viable alternatives to those aspects you have criticized.
- Compliment the agency if compliments are due (for their thoroughness, responsiveness to the public, etc.).
- If the draft is so inadequate or unreadable that you can't even decide whether the

costs of proposal outweigh its benefits, request that a new draft statement be prepared.

Don't be afraid to invoke the goals and philosophy of NEPA in your comments. Ask the agency to make sure its final decision will "... promote efforts which will prevent or eliminate damage to the environment or biosphere. . . ." Remind the agency of its responsibility to defend your right to a healthful environment.

The Public Hearing

Although you can submit your comments in writing without testifying orally at a public hearing, the hearing is an important forum at which to make known your position publicly. Reporters are often present, and their coverage of your testimony can put more pressure on the agency to respond to your concerns. *You* may have to alert the press about the importance of a certain EIS hearing because agencies limit the number to downplay the issue.

Occasionally agencies limit the number and length of testimonies allowed at a hearing. Agencies sometimes fail to explain that you may have to register to testify at a hearing. Contact the agency to find out whether you must register, how to do so, and for how many minutes you may speak.

Oral testimony may be presented individually, and agencies sometimes allow groups to present testimony in the form of a panel discussion. Your group may wish to use an "expert witness," that is, a professional such as a geologist or biologist. Expert testimony can be expensive, but it can lend extra credibility to your group's concerns.

Make sure you provide the agency with a written copy of your testimony. Use a title identifying you and/or your group and the topic, date and place of the hearing. Give a copy to the person presiding over the hearing and have extra copies on hand for the press. Send copies to local, state and federal representatives and agencies that should be alerted to your concerns.

PART I

4 The Final EIS and the Decision

The final EIS, usually released within a year after the draft is published, is a composite of the draft statement, comments received on the draft, the agency's responses to those comments and any revisions of the draft statement.

If comment on the draft revealed new information on a new, major environmental impact, the draft is considered defective, and a new draft or a supplemental statement must be prepared and circulated for comment.

Agencies sometimes will not begin preparation of a final statement if the draft EIS gives rise to such controversy that approval of the project is obviously impossible. If comment on the draft indicates that the project's impacts are considered insignificant, the project is approved without preparation of a final EIS. CEQ's guidelines require a 30-day period for agencies to review final statements before making a final decision.

Citizen Involvement

Reviewing the Final EIS

The end of the draft EIS comment period ends the formal citizen participation in the EIS process, but citizens can still influence the agency's final decision. Citizens should maintain close communications with the agency during the revision of the draft EIS, in order to oversee and influence revisions as the final document is being prepared.

Most agencies do not publicize or circulate the final EIS, so you will have to request a

copy. When you receive the final EIS, check to see if and how adequately the agency responded to your comments and to those of others. If comments brought out major concerns to which the agency did not respond to your satisfaction, contact the agency and ask for an explanation. If comments raised a major new issue, the inadequacies of the draft EIS may be challenged in court as inadequate, and a new draft may be required.

Influencing the Government's Final Decision on a Proposal

If you agree with the agency's final decision, your job is over. Your group may want to officially endorse the decision and thank the agency for its cooperation. All you need to do now is keep tabs on the agency to make sure the decision is not changed and that mitigative measures required by the agency are indeed taken.

If you disagree with the decision, your only recourse is a campaign to stop the project.

Although the EIS process is designed to *identify* the most environmentally beneficial course of action for any proposal, NEPA doesn't require that the agency select that course of action: The agency is required only to *understand* the alternatives and *consider* them in its final decision. The agency's use of the EIS must "amount to a full, good faith consideration of the environment." Thus, a citizen can argue only that an agency did not make a *reasonable* decision based on the information in the EIS. In legal terminology, this means that the agency made its decision "*arbitrarily*" and "*capriciously*" in light of EIS findings. Agencies have been brought to court on those grounds.

A citizen can pressure the agency to change its decision by formally protesting the decision to the agency and persuading other citizens and government officials to join you in requesting a decision reversal. You should outline your position in a formal paper and circulate it among government officials and other groups and ask local, state and federal officials to formally oppose the decision.

To publicize your effort, contact the media with letters, personal interviews with reporters, factual Public Service Announcements, news releases, media conferences, etc.

LEGAL ACTION

Under NEPA, three types of lawsuits can stop a project. They include arguing that:

(a) the agency did not prepare an EIS, although the proposal merited one;

(b) the EIS was inadequate on *procedural* grounds (that is, the agency failed to comply with the requirements of NEPA, THE CEQ guidelines, the agency's regulations, or all the above), and

(c) the agency's decision was "arbitrary" and "capricious" in light of EIS findings.

There has been much concern that legal action on NEPA focuses on the content and adequacy of the EIS (that is, the procedural questions of NEPA) rather than on the agency's ultimate decision (the substantive question). Many feel this has produced EIS's which are crammed with data, but which do not affect the agency's decision making.

This may be changing. Several federal district courts of appeal have adopted the position that NEPA was indeed intended to affect the substance of agency decisions--not merely procedures. Under this interpretation, the courts' role is not only to see that government agencies comply with procedural requirements, but to determine whether an agency's decision was correct in light of the environmental data supplied in the EIS.

PART I

5 Problems with NEPA and the EIS Process--Suggested Solutions

One major problem in implementing NEPA is that the EIS process is the only one of NEPA's action-forcing provisions that has received much attention. Besides establishing the EIS process, NEPA also directs agencies to review all of their statutory authorities, administrative regulations, and current programs and policies to see whether

they are inconsistent with NEPA. When agencies find such inconsistencies, they are to propose the necessary measures, such as legislative changes, to bring their authorities and policies into conformity with the intent set forth by the Act. The purpose of this provision was to avoid the obvious confusion that would arise when an agency found itself confronted with two conflicting laws. This stipulation in NEPA makes it the law of the land, all pre-existing laws being subject to its environmentally protective objectives.

However, this attempt to bring laws and policies in line with NEPA's objectives has not been particularly thorough. Agencies may still find themselves trying to obey mutually exclusive laws. Often they choose to make natural resource decisions based on old practices and use the EIS process merely as a justification for those decisions. Until a major effort is made to make existing policies and laws consistent with NEPA, neither NEPA nor the EIS process will fulfill the intent of the lawmakers who created them.

Another problem is the lack of standardization in agencies' implementation of the EIS process. Agencies were allowed to develop their own regulations in order to give them flexibility, but the resulting diversity among different agencies' regulations has been confusing to private developers, citizens and government alike. It is especially confusing when several agencies are involved in preparing one EIS, and they all have different terminologies, timetables, procedures, etc.

A third problem is lack of coordination among agencies. Delay and costly duplication of effort may occur when a proposal involves several federal agencies, or both federal and state agencies, because of poor communication and cooperation among these agencies.

The problem most familiar to people who attempt to read and use Impact Statements is the fact that they are generally incomprehensible. Few Impact Statements, it seems, are written and organized to encourage anyone to read them. For that reason, often no one *does* read them--including those who are supposed to base decisions on them. Poor readability, illogical organization, unusable indexes and tables of contents and page upon page of useless data can make trying to comprehend the issue and discover some useful information a frustrating chore.

In response to widespread demand for solutions to these problems, the Commission on Federal Paperwork (Pres. Carter's commission to research ways of reducing the tidal waves of federal paperwork) has made recommendations on how to improve the EIS process. It also has suggested that the President require all federal agencies to develop consistent definitions and regulations and assure intra-agency coordination. In response, President Carter issued Executive Order 11991 in March, 1977, requiring all agencies to conform with the CEQ's new regulations.

The CEQ expects these revisions to reduce paperwork and delays and encourage better decisions. The new regulations aim for a more streamlined EIS process. The old CEQ Guidelines emphasize the entire NEPA process, from early planning through EIS preparation through provisions for follow-up. Thus, the new regulations should carry out more fully the original intent of Congress in enacting NEPA.

The new regulations became effective in the summer of 1979. It is important for concerned citizens to familiarize themselves with the provisions of the regulations because they may change agency responsibilities in the EIS process. Use them as a means by which to critique the EIS and to give agencies positive advice to make EIS's better decision-making tools. The regulations were published in the June 9, 1978 Federal Register.

REDUCING PAPERWORK

The new regulations direct agencies to write concise EIS's, which normally shall be less than 150 pages or, for proposals of unusual scope and complexity, 300 pages.

Consideration of alternatives to the proposal are to be the main issue--the heart of the EIS. Peripheral matters are to be treated briefly. Agencies are to avoid masses of background data that are unrelated to exploring the alternatives.

Scoping meetings are to be held as early as possible, usually right after a decision is made to write an EIS, to determine the lead agency, the main issues to be covered, etc. EIS's are to be written in plain language and follow a clear format. EIS teams should include people who know how to write clear, readable prose. The new regulations also delineate a standard format intended to eliminate repetitive discussion, stress the major conclusions, highlight the areas of controversy, and focus on the issues to be resolved. Consistent terminology is mandated to clear up the confusion that results when several agencies all have different terms for the same thing.

To make EIS's more useful to readers, summaries are also required. To eliminate duplication, the regulations encourage federal agencies to prepare EIS's jointly with state and local governments. They also allow a federal agency to adopt another agency's EIS.

REDUCING DELAY

The CEQ regulations encourage lead agencies to set time limits on the EIS process and require them to do so when requested by an applicant.

Often the EIS process and the stipulations of other laws cause delay because they proceed separately. The new regulations require all agencies with jurisdiction over the project to cooperate so that all reviews may be conducted simultaneously.

The environmental objectives of NEPA are to be incorporated into early planning. This is to prevent EIS's written to justify decisions already made. The regulations also provide for *early* cooperation among the lead agencies and other agencies, to encourage early resolution of disagreements.

When agencies disagree about the proper lead agency for a project, the regulations provide a means for prompt resolution of the dispute. Information that is pertinent to many proposals may be covered in one broad EIS. This material can then be incorporated by reference rather than reiterated in each project-specific EIS.

Litigation, if there is any, is to come at the end of the EIS process, when all the facts are in.

BETTER DECISIONS

The new CEQ regulations emphasize that "most of the features described above will help to improve decision making. Good environmental decision making, of course, is the fundamental purpose of the NEPA process, the end to which the EIS is a means. The procedures of implementing NEPA must be tied to their intended purpose (enhancing and protecting the environment), otherwise they are useless paper work and wasted time. A central purpose of these regulations is to tie means to ends."

Sound decisions must be based on accurate documents. The lead agency is responsible for the professional integrity of reports and therefore must avoid any possible bias in the document. A list of people who helped prepare documents and their professional qualifications should be included in the EIS.

Agencies must specify which of the alternatives discussed in the EIS is preferable on environmental grounds, including the often-overlooked alternative of no action at all.

Agencies must also write a public statement that clearly explains just how the EIS was used to make a final decision. The statement must state what the final decision was, whether the environmentally preferable alternative was chosen, and if not, why not.

When an agency decision requires mitigating measures that reduce the action's impact on the environment, the regulations ensure that these measures are actually implemented and monitored.

PART II

1 The Montana Environmental Policy Act (MEPA)

The Montana Environmental Policy Act (MEPA) was passed by the state legislature in 1971, making Montana one of the 29 states (including Puerto Rico) to follow the Congressional lead with a "little NEPA." MEPA is modeled so closely on the federal act that its wording and directions to agencies are often identical. To avoid redundancy, therefore, this Workbook will highlight only those aspects of MEPA which are unique to Montana or differences between the state and federal laws.

MEPA's objective is to "ensure that the actions and programs of State agencies will

- fulfill the responsibilities of this generation to act as trustees of the environment for succeeding generations.
- attain the widest possible use of the environment without degradation.
- achieve a balance between population and resource use.
- enhance the quality of renewable resources."

To fulfill this objective, MEPA has three major provisions:

1. MEPA, like NEPA, is an umbrella law, requiring that "each state agency interpret the provisions of MEPA as a supplement to its existing authorities, and as a mandate to review its traditional policies in light of the Act's environmental objectives." Agencies are to "*review* their policies, procedures and regulations accordingly and *revise* them as necessary to ensure full compliance with the purpose of MEPA."
2. MEPA created the Environmental Quality Council (EQC). The EQC is a 13-member council consisting of the governor or his representative, four members of the state Senate, four members of the House of Representatives, and four members of the general public chosen by the state legislature. The EQC is served by a professional staff consisting of an executive director and two ecology researchers. The staff is responsible for researching environmental issues for legislators, monitoring the compliance of state agencies with MEPA, and publishing an annual report on the state of Montana's environment.
3. MEPA established the EIS process to ensure that the goals of MEPA are incorporated into the programs and policies of state agencies. The EIS is to be used as a decision-making tool in major actions that will have significant impact on the human environment and that are subject to state control and responsibility. Such actions include:
   - New and continuing projects and programs entirely or partly financed, assisted or conducted by state agencies.
   - Ongoing agency regulations, plans, policies or procedures which significantly affect the environment.
   - Proposals for state legislation which would significantly affect the environment.
   - Private projects which require a state lease, license, permit, approval or certificate.

In Montana, most EIS's have been prepared for or by government agencies considering a permit application by a private commercial or industrial concern. There is a great deal of confusion in Montana about MEPA's role in the permit-granting process. That controversy has produced many problems that citizens should understand before tackling the EIS process itself.

MEPA and Permit-Granting

Before the passage of MEPA, Montana already had many laws on the books dealing with air and water quality, forest conservation and other environmental areas. These laws directed the manner in which state agencies should grant or deny a permit for a private project. The large number of laws produced a cumbersome, piecemeal approach to environmental decision making. Often a private developer had to obtain a permit from several different agencies, all of which had jurisdiction over different aspects of the proposed project. This "one developer/many agencies syndrome" caused delay and frustration for the developer and often resulted in approval of projects without consideration of all their po-

tential environmental consequences.

MEPA was intended to rectify that piecemeal approach by changing the way in which agencies granted permits under the old laws. The legislature that created MEPA directed that all policies, regulations and laws of the state be interpreted and administered in accordance with the policies of MEPA. Environmental concerns play a subordinate role in an agency's decision to grant a permit only when MEPA is in direct conflict with another state law.

When is MEPA in "direct conflict" with other state laws? In many cases, agencies have claimed that the authority they were given to grant permits before MEPA was passed makes it impossible for them to deny a permit on the basis of environmental concerns. For example, the Department of Health is required by the Water Use Act to grant permits for "beneficial uses" of water whenever unappropriated water is available. The Department interprets that to mean that it must grant permits for projects even if an environmental review indicates that that "beneficial use" of the water would have severe impacts on water quality.

In addition, the Department of Health's permit-granting authority under the Sanitation in Subdivision Act requires the agency to consider water supply, sewage treatment and solid waste facilities when reviewing a subdivision application. Many believe that MEPA clearly says that the agency must consider *all* relevant environmental questions, such as the subdivision's potential impact on wildlife habitat, agricultural land, etc. But the Department of Health has continued to approve subdivisions which meet only the aforementioned criteria, even if the environmental study indicates that the proposed subdivision will cause significant environmental problems in other areas of concern.

Like the Department of Health, many state agencies are reluctant to rely on the policy statements and directives of MEPA as a basis for decision making. They are reluctant to consider a broad range of environmental factors in making their decisions and continue to consider only their traditional topics of concern. They prefer to play it safe and abide by their old permit-granting statutes when they detect a conflict between two laws. Pressures from developers to follow the old, less stringent permit-granting laws often outweigh efforts to force them to comply with MEPA.

In actuality, existing statutes rarely conflict directly with MEPA. Most permit-granting laws state that an agency *may* grant a permit if the project meets specified conditions. Only the Hardrock Mining Act and the Water Use Act say that the agency *must* grant a permit under specific conditions. If agencies wanted to make permit decisions on the basis of MEPA, they could easily interpret their permit-granting authorities accordingly. But many agencies are not inclined to aggressively pursue the environmentally-protective policies of MEPA, and so far little effort has been made to require them to do so.

Another way in which MEPA was intended to alleviate the piecemeal approach to permit-granting was by directing state agencies to coordinate all of their different permit-granting programs in accordance with MEPA's policies. For example, each of the agencies with jurisdiction over any facet of subdivisions should pool resources, information and skills to come up with a consistent method to review subdivisions, so that they don't have to re-invent the wheel during each new subdivision application.

Unfortunately, MEPA does not contain any provisions explaining how to coordinate the policies of 19 state agencies. Instead, MEPA passes the buck on to the agencies to devise a method of coordinating their programs, and the agencies have not done so. They still grapple with the same questions over and over every time a new proposal arises. Although MEPA *has* forced state agencies to work together when more than one agency is involved in reviewing a proposed project, agencies still have trouble even getting information from one another. There is not enough communication and interdisciplinary work among agencies, and this results in questionable decisions.

MEPA and the Courts

What recourse is there, then, if citizens feel that a permit was improperly granted? The answer is uncertain. With many new laws, especially laws as sweeping as NEPA and MEPA, areas of dispute must be settled by court rulings. In 1973, the Montana Wilderness Association v. the Department of Health (or Beaver Creek South) case became the first judicial interpretation of MEPA. Two outdoor recreation organization groups brought suit against the Department of Health to prevent it from approving a subdivision in the scenic, undeveloped

Gallatin Canyon. The suit was based on MEPA, charging that the Department's Impact Statement was inadequate and that it had to be redone before the subdivision could be approved. The plaintiffs won in the district court. The Department of Health and the developer subsequently appealed to the state Supreme Court.

In the Supreme Court's view, there were three issues to be determined: 1) Whether citizens had standing to sue a state agency under MEPA; 2) whether the EIS complied with the requirements of MEPA, and 3) whether injunctive relief against a state agency is an available remedy. The Supreme Court initially ruled affirmatively on all three questions, setting a precedent for state courts to be as active in forcing agencies to implement MEPA as the federal courts are in implementing NEPA. The court decision was very encouraging to those who wished to see a strict enforcement of MEPA. Unfortunately, the court reversed its decision at the last minute, with no explanation, leaving a dismaying confusion which still makes interpretation of the Act unclear.

Before its reversal, the court decision established five major precedents:

1. MEPA & DECISION MAKING

This was by far the most important issue in the court's decision. The Department of Health had argued that the Sanitation in Subdivision Act required the agency to consider only questions of water supply, sewage treatment, solid waste and related facilities when reviewing subdivision applications. Although other environmental effects were mentioned in the Beaver Creek South EIS, such as the subdivision's potential impacts on wildlife habitat, increased demands for power and transportation facilities, and economic costs and benefits, the Department stated explicitly that such factors need not influence the final decision.

The court found that agencies *must* consider a broad spectrum of environmental factors, in addition to narrow aspects addressed in pre-MEPA statutes. The policies of MEPA are part of every agency's mandate, and environmental considerations must enter every agency's decision "to the fullest extent possible." The ruling did not say that the agency must deny a permit because of adverse environmental impacts, but that it *might* deny approval after balancing all relevant environmental factors.

2. STANDING

The Court decision ruled that the "inalienable...right to clean and healthful environment" declared by Art. II Sec. 3 of the 1972 Montana Constitution is a civil right which the court will protect. As long as plaintiffs have a personal interest in the matter, they can go to court to prevent "unlawful environmental degradation."

3. AVAILABILITY OF INJUNCTIVE RELIEF

The court's decision not only reaffirmed citizens' right to sue, but guaranteed an effective remedy: Public officials *can* be enjoined from performing illegal acts which would cause irreparable environmental damage, and approval of a subdivision without preparation of an adequate EIS was found to be illegal.

4. STATE VS. LOCAL RESPONSIBILITIES

The Department of Health had alleged that there were many areas of impact which it was not authorized to include in the EIS because they were local issues and therefore subject to review by local agencies. The Supreme Court decision resolved the question of responsibility between state and local authority in environmental review of subdivisions. The court ruled that local authorities have the responsibility to base their review and decisions on factors "with an essentially local impact." But state authority over a project, such as the Department of Health's mandate to review water and sewage, triggers a need for a *comprehensive* review [by the state agency] of all potential environmental consequences "of such decisions which may be of regional or statewide importance." MEPA is the controlling statute, and state agencies may not delegate their authorities to local government.

5. FUNCTION OF AN EIS

Federal courts have been strong in enforcing NEPA, and the Montana Supreme Court ruled that these federal precedents are an appropriate guide to interpreting MEPA. The court also defined the primary functions of an EIS:

- to provide decisionmakers with detailed information on possible environmental effects. This information is to be used in substantive decisions on whether to approve a project in light of its environmental consequences.
- To make available to the public information about the projects' environmen-

tal impact and to encourage public participation.

These two functions were to be used to measure the adequacy of an EIS.

Because the Beaver Creek South decision was overturned, the critical question remains unanswered: Do agencies have the authority to deny permits on the basis of MEPA? In other words, does MEPA grant substantive authorities more inclusive than individual agencies' permit-granting authorities?

Despite the Beaver Creek South decision reversal, citizens still have standing to sue agencies on environmental grounds. EIS's must still contain studies of a broad range of environmental factors. But agencies are not required to base decisions on the findings of those studies.

It is clear to many citizens and government employees alike that MEPA does indeed grant agencies substantive authorities to base decisions on the findings of those studies. However, until a new state Supreme Court precedent is set, individual agencies will interpret MEPA as they see fit, and the Act will continue to have little effect on state environmental policies.

There have been several attempts to pass legislation defining MEPA's authority. The 1979 legislature saw two such attempts, each with a completely different purpose. House Bill 742 was introduced to clarify that agencies *may* consider a broad range of environmental impacts in their decision making in order to implement the policies and goals of MEPA. Soon afterwards, Senate Bill 605 appeared. SB 605 would not have allowed agencies to base decisions on grounds other than their traditional pre-MEPA authority. The ensuing scrimmage illustrated the intensely political nature of the resource management issue in Montana. The death of both bills strongly indicates that the decision-making question must be settled in the courts, not among lobbyists in the legislative chambers.

The Montana EIS Process

Like NEPA, the EIS process outlined in MEPA has four major parts:

- Determining the Need for an EIS
- Preparing the Draft EIS
- Review of the Draft EIS
- The Final EIS and the Decision.

Determining the Need for an EIS

According to the state guidelines, an EIS is required for a proposed state action that will significantly affect the environment. Such an action is defined as any of the following:

- A state decision on a proposal representing the first or only government decision to be made on the project.
- An action that may trigger secondary or additional local, state or regional impacts that are as great as or greater than the initial impacts.
- An action that may affect environmental attributes recognized as being endangered, fragile or in short supply.
- An action that may alter the quality or availability of environmental conditions.
- An action that may have irreversible environmental effects.
- A precedent-setting or controversial action.
- An action that is one of a number of actions which collectively will have substantial environmental impact.

To determine whether an action will require an EIS, the delegated lead agency does a study, similar to the federal "environmental assessment," called the Preliminary Environmental Review (PER). Based on the conclusions of the PER, the agency issues either an affirmative report that an EIS is necessary or a negative report called a Finding of No Significant Impact.

Citizen Involvement

Influencing the Decision to Write an EIS

The Montana PER process is not particularly useful to citizens because agencies are not required to circulate their PERs to citizens or other agencies for comment. However, although there is no formalized channel for public input at this point, citizens can request a

copy of the PER from the agency, review it, confer with the agency, and, if necessary, force the agency through public pressure or through the courts to prepare an EIS.

Citizens should be aware that occasionally state agencies will not write an EIS, even though all indications show that one is required. The agency may be under pressure from the developer or from other governmental officials to grant a permit quickly, and/or the agency may claim that its permit-granting authorities make it impossible to obey MEPA. For example, an agency may be required under a pre-MEPA law to make a decision on an application for a project within 60 days of the application. If this is not enough time to prepare an adequate EIS, and if no one is pressuring the agency to prepare one, it may either forego the EIS or do a superficial study intended just to avoid litigation.

PART II

2 Preparation of the Draft EIS

State requirements for the preparation of an EIS are nearly identical to the federal version; the reader should therefore review pages 5-6 of this Workbook.

After the draft EIS is written and circulated, a time period of not less than 30 days and not greater than 45 days is allowed for comment. One 15 1/2-day extension may be granted.

Citizen Involvement

Reviewing the Draft EIS

Before evaluating and commenting on the draft EIS, review this Workbook's suggestions on reviewing a federal draft EIS and preparing comments and testimony. (See pages 7 to 9. Also be aware of the following areas which are especially problematic in the Montana process:

A typically weak area in state EIS's is the exploration of alternatives that might lessen a project's impact. These alternatives are often almost completely ignored in the permit-granting process. State agencies often feel that they have no say in the choices of location, size, design, etc. of a project and believe that those considerations should be left to the developer.

Timetable conflicts may short circuit the EIS process. For example, an agency may be required by its pre-MEPA statutes to approve an application within a certain number of days after receiving the application. This deadline may conflict with the number of days that MEPA requires for public comment. Therefore, the agency may not hold public hearings and may try to speed up the entire EIS process.

PART II

3 The Final EIS

MEPA's guidelines allow a draft EIS, supplemented with public comments, to satisfy the requirement for a final EIS, depending on the nature and number of comments received.

The contents of a final state EIS are basically the same as those of a federal document. However, new facts uncovered during the comment period do not necessitate the writing of a new draft statement. They simply are added to the final.

Agencies may not take action on a project until 30 days after the final EIS has been sent to the Governor and EQC.

Citizen Involvement

Influencing the Government's Final Decision

If you disagree with the state agency's decision to approve a project, review page 10 of the Workbook.

PART II

4 Problems with MEPA and the State EIS Process-- Suggested Solutions

Before Montana citizens attempt to use MEPA to encourage serious consideration of environmental concerns, they should be aware of the reasons that the Act has not yet produced better environmental decisions.

Perhaps the most pervasive problem in implementing MEPA is the lack of an ultimate authority--be it a state agency or state courts--to interpret MEPA and insure that agencies are complying with the law.

THE EQC

Many Montanans feel that the Environmental Quality Council is not performing its watchdog functions because it is motivated by political considerations, having been controlled for several years by development-oriented legislators. The EQC traditionally has acted as an apologist for the MEPA process, rather than enforcing the *intent* of that process. Although the EQC has argued that its authority is restricted by MEPA, it is clear that to be effective, the Council must have more than an advisory role: It must have the authority to implement and enforce MEPA.

THE COURTS

There is widespread indecision within state government about the role of the courts in implementing MEPA. The federal precedent is clear: Federal courts have taken an active role in forcing federal agencies to a strict standard of compliance with NEPA. Because the Montana Act so closely resembles the federal Act, some argue that the courts should become more involved in interpreting MEPA's requirements. Others argue that the provisions in MEPA on the power of the courts to force compliance with the Act are too ambiguous.

Because of this confusion, most MEPA lawsuits have focused on the EIS and its adequacy, rather than on the real issue: Is the agency's *decision* in keeping with the dictates of MEPA? The result has been EIS's which are padded with excessive technical data included to withstand legal attack and lawsuits.

It has been argued that the EIS itself should never be grounds for an injunction. The decision, rather, should be the focus of an injunction, and the EIS should only be part of the record on which both parties base their cases.

With the role of the courts in question and that of the Environmental Quality Council nebulous at best, there is no ultimate authority in Montana to ensure that state agencies comply with MEPA. Resulting problems?

- A confusing permit-granting process (see pages 13-14 of this Workbook).
- A lack of uniform agency regulations. Because each agency has developed its own regulations based on the EQC guidelines, problems can arise when more than one agency is involved in preparation of a single EIS. Different agencies may have different deadlines for commentary. Some agencies lack a formal appeal mechanism to extend the commentary deadline. Some have no provisions in their regulations to incorporate public comments on the final EIS in their decision making. There is disagreement among agencies about whether the agency's recommended action must appear in the draft, the final EIS, or at all.
- Unresolved questions of authority between state and local authorities. This is particularly apparent in subdivision reviews. Both local officials and the Department of Health have jurisdiction over subdivisions. The Department, however, will not begin review of a subdivision application until it has been approved by the local Board of County Commissioners because the Department does not believe it has the authority to overrule a board's decision. Therefore, the EIS the Department must prepare is useless as a decision-making tool.

SOLUTIONS?

The EQC staff is in the process of revising guidelines to implement MEPA. Its first draft of revisions, now being reviewed, is nearly identical to the new federal regulations (review pages 11-12), with some additions to alleviate problems unique to Montana. One such change requires public input in the Preliminary Review Process, that is, before it is decided whether an EIS is needed.

The EQC staff echoes the federal CEQ in stating that "the purpose of these revisions is not to generate more paperwork, but *better decisions*." These revisions could help accomplish that purpose, but their fate is doubtful because they face obvious agency reluctance to comply fully with MEPA. The revisions are now being reviewed by CEQ. The Council will approve the final version which, from early indication, will be more cosmetic than substantial.

It is important, therefore, for citizens to be aware of these proposed changes before there are attempts to dilute them. The EQC proposals can be used as guidelines when suggesting improvement in EIS's.

Other experts in environmental law have suggested replacing the politics-ridden EQC with a new state agency. This agency would have the authority to orchestrate the implementation of MEPA and to act as an advocate for environmental protection, along the lines of the federal Environmental Protection Agency. It would oversee the process of revising existing statues which may conflict with MEPA, coordinate the preparation of EIS's and acts as the central clearing house for citizen commentary.

To solve the problem of coordinating the haphazard permit granting activities of state government, one MEPA expert suggests the following process:[1]

- There should be programmatic analyses of all the major state permits programs to formulate rules and policies to guide decisions on individual projects.
- Developers should be required to reveal the full extent of their proposals as soon as they apply for permits so that it can be determined which agencies eventually will be involved. The lead agency should then be designated to coordinate the agencies and orchestrate the review.
- While an EIS is being prepared, agencies would work with the public and the developer to make revisions in the project *as the facts appear*. This could eliminate the costly, frustrating delay which now occurs because concerned parties rarely communicate with one another until *after* the draft EIS is completed.

[1]Perlmutter, Steve, MEPA, The First Five Years, EQC Staff Report, Montana State Legislature Environmental Quality Council, Helena, Nov. 29, 1976.

- The potential impacts of the project and alternative courses of action would be explored. The full record of these investigations would be circulated to other agencies and the public for comment.
- If the project would cause unavoidable adverse impacts, even with mitigation measures, the responsible agency would balance environmental, social and economic costs and benefits of the project to determine whether it should be approved. If the agency approved the action despite these impacts, the agency would have to publicly justify its decision in terms of its effect in achieving the goals of MEPA.
- After the decision, the agency would allow 30 days for the public to review the decision and to seek judicial review if necessary.
- The agency would continue to monitor the project after its approval. It would record the impacts as they occur and compare them with those predicted in the EIS. This would make the EIS a permanently useful resource, a working document that could guide future decisions.

The above seems to be one realistic, reasonable approach to implementing MEPA. It is, however, idealistic given the political climate of Montana, a state torn by controversy over natural resource development issues. But no approach will clean up the EIS process until the state makes an affirmative decision that it wants MEPA implemented.

In the end, it is up to Montana citizens to decide. Should MEPA be strictly enforced? Or should Montanans give up on it as an unworkable law that ought to be stricken from the books? Is MEPA too far ahead of its time in a state where the pioneer ethic of independence from government interference holds strong among many individual developers and other citizens, as well as some state officials? Are the threats to air and water quality serious enough to require this kind of government regulation? If so, do MEPA and its EIS process provide the best means of achieving cooperation among government agencies? Or should the law be completely revised?

Citizens will have plenty of opportunity in the near future to grapple with these questions as the legislature, the agencies and the courts review them. The important thing is to remain informed of new developments concerning MEPA through the media and by getting your name on the mailing lists of natural resource-oriented agencies and organizations such as those listed in Appendix B of this Workbook.

The creators of NEPA and MEPA optimistically and ambitiously wrote that the laws should "encourage productive and enjoyable harmony between man and his environment"; in other words, these laws should strike a balance between development and protection of our natural resources. A balancing act such as this is bound to take time and cooperation from all sectors of society to achieve.

APPENDIX A
PART I

Sources of Technical Information on National Environmental Impact Statements

From *The Environmental Impact Statement Process*, Neil Orloff, Information Resources Press, Washington, D.C. 1978.

AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES WITH JURISDICTION AND/OR EXPERTISE.

AIR

Air Quality

Department of Agriculture--
- Forest Service (effects on vegetation)

Atomic Energy Commission (radioactive substances)
Department of Health, Education, and Welfare
Environmental Protection Agency
Department of the Interior--
- Bureau of Mines (fossil and gaseous fuel combustion)
- Bureau of Sports Fisheries and Wildlife (effect on wildlife)
- Bureau of Outdoor Recreation (effects on recreation)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)

National Aeronautics and Space Administration (remote sensing, aircraft emissions)
Department of Transportation--
- Assistant Secretary for Systems Development and Technology (auto emissions)
- Coast Guard (vessel emissions)
- Federal Aviation Administration (aircraft emissions)

Weather Modification

Department of Agriculture--
- Forest Service

Department of Commerce
- National Oceanic and Atmospheric Administration

Department of Defense--
- Department of the Air Force

Department of the Interior--
- Bureau of Reclamation

Water Resources Council

WATER

Water Quality

Department of Agriculture--
- Soil Conservation Service
- Forest Service

Atomic Energy Commission (radioactive substances)
Department of the Interior--
- Bureau of Reclamation
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Geological Survey
- Office of Saline Water

Environmental Protection Agency
Department of Health, Education, and Welfare
Department of Defense--
- Army Corps of Engineers
- Department of the Navy (ship pollution control)

National Aeronautics and Space Administration (remote sensing)
Department of Transportation--
- Coast Guard (oil spills, ship sanitation)

Department of Commerce--
- National Oceanic and Atmospheric Administration

Water Resources Council
River Basin Commission (as geographically appropriate)

Marine Pollution, Commercial Fishery Conservation, and Shellfish Sanitation

Department of Commerce--
- National Oceanic and Atmospheric Administration

Department of Defense--
- Army Corps of Engineers
- Office of the Oceanographer of the Navy

Department of Health, Education, and Welfare
Department of the Interior--
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Bureau of Land Management (outer continental shelf)
- Geological Survey (outer continental shelf)

Department of Transportation--
- Coast Guard

Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

Waterway Regulation and Stream Modification

Department of Agriculture--
- Soil Conservation Service

Department of Defense--
- Army Corps of Engineers

Department of the Interior--
- Bureau of Reclamation
- Bureau of Outdoor Recreation
- Fish and Wildlife Service
- Geological Survey

Department of Transportation--
- Coast Guard

Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

APPENDIX A
Part I

FISH AND WILDLIFE

Department of Agriculture--
- Forest Service
- Soil Conservation Service

Department of Commerce--
- National Oceanic and Atmospheric Administration (marine species)

Department of the Interior--
- Bureau of Land Management
- Bureau of Outdoor Recreation
- Fish and Wildlife Service

Environmental Protection Agency

SOLID WASTE

Atomic Energy Commission (radioactive waste)
Department of Defense--
- Army Corps of Engineers

Department of Health, Education, and Welfare
Department of the Interior--
- Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Geological Survey (geologic and hydrologic effects)
- Office of Saline Water (demineralization)

Department of Transportation--
- Coast Guard (ship sanitation)

Environmental Protection Agency
River Basin Commissions (as geographically appropriate)
Water Resources Council

NOISE

Department of Commerce--
- National Bureau of Standards

Department of Health, Education, and Welfare
Department of Housing and Urban Development (land use and building materials aspects)
Department of Labor--
- Occupational Safety and Health Administration

Department of Transportation--
- Assistant Secretary for Systems Development and Technology
- Federal Aviation Administration, Office of Noise Abatement

Environmental Protection Agency
National Aeronautics and Space Administration

RADIATION

Atomic Energy Commission
Department of Commerce--
- National Bureau of Standards

Department of Health, Education, and Welfare
Department of the Interior--
- Bureau of Mines (uranium mines)
- Mining Enforcement and Safety Aministration (uranium mines)

Environmental Protection Agency

HAZARDOUS SUBSTANCES

Toxic Materials

Atomic Energy Commission (radioactive substances)
Department of Agriculture--
- Agricultural Research Service
- Consumer and Marketing Service

Department of Commerce--
- National Oceanic and Atmospheric Administration

Department of Defense
Department of Health, Education, and Welfare
Environmental Protection Agency

Food Additives and Contamination of Foodstuffs

Department of Agriculture--
- Consumer and Marketing Service (meat and poultry products)

Department of Health, Education, and Welfare
Environmental Protection Agency

Pesticides

Department of Agriculture--
- Agricultural Research Service (biological controls, food and fiber production)
- Consumer and Marketing Service
- Forest Service

Department of Commerce--
- National Oceanic and Atmospheric Administration

Department of Health, Education, and Welfare
Department of the Interior--
- Bureau of Sport Fisheries and Wildlife (fish and wildlife effects)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Bureau of Reclamation (irrigated lands)
- Fish and Wildlife Service (fish and wildlife effects)

Environmental Protection Agency

Transportation and Handling of Hazardous Materials

Atomic Energy Commission (radioactive substances)
Department of Commerce--
- Maritime Administration
- National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone)

Department of Defense--
- Armed Services Explosive Safety Board
- Army Corps of Engineers (navigable waterways)

Department of Transportation--
- Federal Highway Administration, Bureau of Motor Carrier Safety
- Coast Guard
- Federal Railroad Administration
- Federal Aviation Administration
- Assistant Secretary for Systems Development and Technology
- Office of Hazardous Materials
- Office of Pipeline Safety

Environmental Protection Agency

ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT

Electric Energy Development, Generation, Transmission, and Use

Atomic Energy Commission (nuclear)
Department of Agriculture--
- Rural Electrification Administration (rural areas)

Department of Defense--
- Army Corps of Engineers (hydro)

Department of Health, Education, and Welfare (radiation effects)
Department of Housing and Urban Development (urban areas)
Department of the Interior--
- Bureau of Indian Affairs (Indian lands)
- Bureau of Land Management (public lands)
- Bureau of Reclamation

Power Marketing Administration
Geological Survey
Bureau of Outdoor Recreation
Fish and Wildlife Service
National Park Service
Environmental Protection Agency
Federal Power Commission (hydro, transmission, and supply)
River Basin Commissions (as geographically appropriate)
Tennessee Valley Authority
Water Resources Council

Petroleum Development, Extraction, Refining, Transport and Use
Department of the Interior--
Office of Oil and Gas
Bureau of Mines
Geological Survey
Bureau of Land Management (public lands and outer continental shelf)
Bureau of Indian Affairs (Indian lands)
Fish and Wildlife Service (effects on fish and wildlife)
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (Transport and Pipeline Safety)
Environmental Protection Agency
Interstate Commerce Commission

Natural Gas Development, Production, Transmission, and Use
Department of Housing and Urban Development (urban areas)
Department of the Interior--
Office of Oil and Gas
Geological Survey
Bureau of Mines
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Outdoor Recreation
Fish and Wildlife Service
National Park Service
Department of Transportation (transport and safety)
Environmental Protection Agency
Federal Power Commission (production, transmission, and supply)
Interstate Commerce Commission

Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use
Appalachian Regional Commission
Department of Agriculture--
Forest Service
Department of Commerce
Department of the Interior--
Office of Coal Research
Mining Enforcement and Safety Administration
Bureau of Mines
Geological Survey
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Outdoor Recreation
Fish and Wildlife Service
National Park Service
Department of Labor--
Occupational Safety and Health Administration
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission
Tennessee Valley Authority

Renewable Resource Development, Production, Management, Harvest, Transport, and Use
Department of Agriculture--
Forest Service
Soil Conservation Service
Department of Commerce
Department of Housing and Urban Development (building materials)
Department of the Interior--
Geological Survey
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Outdoor Recreation
Fish and Wildlife Service
National Park Service
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission (freight rates)

Energy and Natural Resources Conservation
Department of Agriculture--
Forest Service
Soil Conservation Service
Department of Commerce--
National Bureau of Standards (energy efficiency)
Department of Housing and Urban Development--
Federal Housing Administration (housing standards)
Department of the Interior--
Office of Energy Conservation
Bureau of Mines
Bureau of Reclamation
Geological Survey
Power Marketing Administration
Department of Transportation
Environmental Protection Agency
Federal Power Commission
General Services Administration (design and operation of buildings)
Tennessee Valley Authority

LAND USE AND MANAGEMENT

Land Use Changes, Planning and Regulation of Land Development
Department of Agriculture--
Forest Service (forest lands)
Agricultural Research Service (agricultural lands)
Department of Housing and Urban Development
Department of the Interior--
Office of Land Use and Water Planning
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
Fish and Wildlife Service
National Park Service (NPS units)
Department of Transportation
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)

APPENDIX A
PART I

Public Land Management
Department of Agriculture--
- Forest Service (forests)

Department of Defense
Department of the Interior--
- Bureau of Land Management
- Bureau of Indian Affairs (Indian lands)
- Bureau of Outdoor Recreation (recreation lands)
- Fish and Wildlife Service (wildlife refuges)
- National Park Service (NPS units)

Federal Power Commission (project lands)
General Services Administration
National Aeronautics and Space Administration (remote sensing)
Tennessee Valley Authority (project lands)

Protection of Environmentally Critical Areas--Floodplains, Wetlands, Beaches and Dunes, Unstable Soils, Steep Slopes, Aquifer Recharge Areas, etc.
Department of Agriculture--
- Agricultural Stabilization and Conservation Service
- Soil Conservation Service
- Forest Service

Department of Commerce--
- National Oceanic and Atmospheric Administration (coastal areas)

Department of Defense--
- Army Corps of Engineers

Department of Housing and Urban Development (urban and floodplain areas)
Department of the Interior--
- Office of Land Use and Water Planning
- Bureau of Outdoor Recreation
- Bureau of Reclamation
- Bureau of Land Management
- Fish and Wildlife Service
- Geological Survey

Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basins Commissions (as geographically appropriate)
Water Resources Council

Land Use in Coastal Areas
Department of Agriculture--
- Forest Service
- Soil Conservation Service (soil stability, hydrology)

Department of Commerce--
- National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management)

Department of Defense--
- Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits)

Department of Housing and Urban Development (urban areas)
Department of the Interior--
- Office of Land Use and Water Planning
- Fish and Wildlife Service
- National Park Service
- Geological Survey
- Bureau of Outdoor Recreation
- Bureau of Land Management (public lands)

Department of Transportation--
- Coast Guard (bridges, navigation)

Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)

Redevelopment and Construction in Built-Up Areas
Department of Commerce--
- Economic Development Administration (designated areas)

Department of Housing and Urban Development
Department of the Interior--
- Office of Land Use and Water Planning

Department of Transportation
Environmental Protection Agency
General Services Administration
Office of Economic Opportunity

Density and Congestion Mitigation
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior--
- Office of Land Use and Water Planning
- Bureau of Outdoor Recreation

Department of Transportation
Environmental Protection Agency

Neighborhood Character and Continuity
Department of Health, Education, and Welfare
Department of Housing and Urban Development
National Endowment for the Arts
Office of Economic Opportunity

Impacts on Low-Income Populations
Department of Commerce--
- Economic Development Administration (designated areas)

Department of Health, Education, and Welfare
Department of Housing and Urban Development
Office of Economic Opportunity

Historic, Architectural, and Archeological Preservation
Advisory Council on Historic Preservation
Department of Housing and Urban Development
Department of the Interior--
- National Park Service
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)

General Services Administration
National Endowment for the Arts

Soil and Plant Conservation and Hydrology
Department of Agriculture--
- Soil Conservation Service
- Agricultural Service
- Forest Service

Department of Commerce--
- National Oceanic and Atmospheric Administration

Department of Defense--
- Army Corps of Engineers (dredging, aquatic plants)

Department of Health, Education, and Welfare
Department of the Interior--
- Bureau of Land Management
- Fish and Wildlife Service
- Geological Survey
- Bureau of Reclamation

Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

APPENDIX A PART I

Outdoor Recreation
Department of Agriculture --
- Forest Service
- Soil Conservation Service

Department of Defense--
- Army Corps of Engineers

Department of Housing and Urban Development (urban areas)

Department of the Interior--
- Bureau of Land Management
- National Park Service
- Bureau of Outdoor Recreation
- Bureau of Indian Affairs
- Fish and Wildlife Service

Environmental Protection Agency

National Aeronautics and Space Administration (remote sensing)

River Basin Commissions (as geographically appropriate)

Water Resources Council

APPENDIX A Part II

WHERE TO WRITE WITHIN A FEDERAL AGENCY FOR INFORMATION REGARDING THEIR EIS'S, COMMENTS ON OTHER AGENCIES' EIS'S, AND OTHER NEPA ACTIVITIES

Advisory Council on Historic Preservation
Office of Review and Compliance, Advisory Council on Historic Preservation, 1522 K Street, N.W., Suite 430, Washington, D.C. 20005 (202) 254-3380

Department of Agriculture
Office of the Secretary, Attn: Coordinator Environmental Quality Activities, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-3965

Department of the Army (Corps of Engineers)
Executive Director of Civil Works, Office of the Chief of Engineers, U.S. Army Corps of Engineers, Washington, D.C. 20314 (202) 693-7093

Department of Commerce
Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230 (202) 967-4335

Department of Defense
Office of the Assistant to the Secretary of Defense for Environmental Quality, U.S. Department of Defense, Room 3D171, The Pentagon, Washington, D.C. 20301 (202) 695-3010

Energy Research and Development Administration
Office of the Assistant Administrator for Environment and Safety, Energy Research and Development Administration, Washington, D.C. 20545 (202) 937-3208

Environmental Protection Agency
Director, Office of Federal Activities, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202) 755-0777
(Contact the above office for environmental statements concerning legislation, regulations, national program proposals or other major policy issues. For all other EPA activities, contact the Regional Administrator in whose area the proposed action (e.g., highway or water resource construction projects) will take place. Montana is in Region VIII.)

Regional Administrator VIII, U.S. Environmental Protection Agency, Suite 900, Lincoln Tower, 1860 Lincoln Street, Denver, Colo. 80203 (303) 837-4831

Federal Power Commission
Office of Energy Systems, Federal Power Commission, Room 4306, 825 North Capitol Street, N.E., Washington, D.C. 20426

General Services Administration
Office of Environmental Affairs, Office of the Deputy Administrator for Special Projects, General Services Administration, Washington, D.C. 20405 (202) 343-4161

Department of Health, Education, and Welfare
Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Dept. of Health, Education and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201 (202) 245-7243
(Contact the above office for information on HEW's environmental statements concerning legislation, regulations, national program proposals or other major policy issues, and for all requests for HEW comments on impact statements of other agencies. For information with respect to HEW actions occurring within the jurisdiction of the Department's Regional Directors, contact the appropriate Regional Environmental Officer. For Montana, contact:

Region VIII, Regional Environmental Officer, U.S. Dept. of Health, Education, and Welfare, 1916 Stout Street, 10th Floor, Denver, Colo. 80202 (303) 837-2875

Department of Housing and Urban Development
Director, Office of Environmental Quality, Department of Housing and Urban Development, Room 7258, Washington, D.C. 20410 (202) 755-6309
(Contact the Director with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other consultations, contact the HUD Regional Administration in whose jurisdiction the project lies. For Montana, contact:

Regional Administrator VIII, Environmental Clearance Officer, U.S. Dept. of Housing and Urban Development, 1961 Stout Street, Denver, Colo. 80202 (303)837-3811

Department of the Interior
Director, Office of Environmental Project Review, Department of the Interior, Interior Building, Washington, D.C. 20240 (202) 343-3891

Interstate Commerce Commission
Office of Proceedings, Environmental Section, Interstate Commerce Commission, Washington, D.C 20423 (202) 343-7966

Department of Labor
Office of Manpower for Policy Evaluation and Research, Division of Manpower Policy and Planning, Department of Labor, 601 D Street, N.W., Washington, D.C. 20210 (202) 376-6274

National Aeronautics and Space Administration
Office of Policy Analysis, National Aeronautics and Space Administration, 400 Maryland Avenue, Washington, D.C. 20546 (202) 755-8433

National Endowment for the Arts
Office of the Director, Architecture and Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20506 (202) 634-4276

Nuclear Regulatory Commission
For Nuclear Power Plants: Office of the Assistant Director for Environmental Projects, Division of Nuclear Reactor Licensing, Nuclear Regulatory Commission, Washington, D.C. 20555 (202) 443-6965.

For Fuel-cycle Projects: Fuel-cycle Environmental Projects Branch, Division of Materials and Fuel-cycle Facility Licensing, Nuclear Regulatory Commission, Washington, D.C. 20555 (202) 492-7631

APPENDIX A
PART II

Pacific Northwest River Basin Commission
Office of the Chairman, Pacific Northwest River Basin Commission, Post Office Box 908, Vancouver, Wash. 98660 (206) 694-2581

Department of State
Office of Environmental Affairs, Room 7822, Department of State, Washington, D.C. 20520 (202) 632-9278

Department of Transportation
Director, Office of Environmental Affairs, Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs, Dept. of Transportation, Washington, D.C. 20590 (202) 426-4357

(Contact the above office for information on DOT's environmental statements concerning legislation, regulations, national program proposals, or other major policy issues. For information regarding the DOT's other environmental statements, contact the national office for the appropriate administration:

U.S. COAST GUARD Office of Ports and Waterways Planning, U.S. Coast Guard, 400 7th St. S.W., Washington, D.C. 20590 (202) 426-8722

FEDERAL AVIATION ADMINISTRATION Office of Environmental Quality, Federal Aviation Administration, 800 Independence Ave. S.W., Wash. D.C., 20590 (202) 426-8722

FEDERAL HIGHWAY ADMINISTRATION Office of Environmental Policy, Environmental Programs Division, Federal Highway Administration, 400 7th St. S.W., Washington, D.C. 20590 (202) 426-0106

FEDERAL RAILROAD ADMINISTRATION Office of the Chief Counsel, Federal Railroad Aministration, 400 7th St. S.W., Washington, D.C. 20590 (202) 426-0767

URBAN MASS TRANSPORTATION ADMINISTRATION Capitol Assistance, Urban Mass Transportation, 400 7th St. S.W., Washington, D.C. 20590 (202) 426-1985

For DOT's comments on other agencies' environmental statements, contact the appropriate administration's regional office.

If more than one administration within the DOT is to be requested to comment, contact the Secretarial Representative in the appropriate Regional Office for coordination of the Department's comments. For Montana, contact:

Region VIII Secretarial Representative, U.S. Department of Transportaion, Prudential Plaza, Suite 822, 1050 17th St., Denver, Colo. 80202 (303) 837-3242

FEDERAL AVIATION ADMINISTRATION Rocky Mountain Region, Office of the Regional Director, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo., 80207 (303) 837-3646

FEDERAL HIGHWAY ADMINISTRATION Region VIII Regional Administrator, Federal Highway Administration, Building 40, Room 242, Denver Federal Center, Denver, Colo. 80225 (303) 236-4051

Department of the Treasury
Office of the Assistant Secretary for Administration, Dept. of the Treasury, Washington, D.C. 20220 (202) 964-5391

Water Resources Council
Office of the Assistant Director, Planning Division, Water Resources Council, 2120 L St., Suite 800, Washington, D.C. 20037 (202) 254-6442

APPENDIX A Part III

NATIONAL CITIZENS' GROUPS WITH INTEREST AND EXPERTISE IN NATURAL RESOURCES ISSUES.

We suggest you consult the *Conservation Directory*, published annually by the National Wildlife Federation, for listings of national organizations and state organizations, as well as useful information on federal and state agencies. The Directory is available in public libraries, college libraries, or can be ordered by writing:

National Wildlife Federation
1412 16th St. N.W.
Washington, D.C. 20036
$4.00

Two examples of useful national groups cited in the Directory are:

The Natural Resources Defense Council, Inc.
122 E. 42nd St.
New York, N.Y. 10017
(212) 949-0049

Nonprofit membership organization dedicated to protecting America's endangered natural resources. Combines monitoring of government agencies, scientific research, litigation and citizen education.

Environmental Defense Fund, Inc.
475 Park Ave. So.
New York, N.Y. 10016
(212) 689-4191

A national organization of lawyers and scientists which serves as the legal action arm for the scientific community. With a public membership of 46,000, a 700-member Scientists' Advisory Committee, and a Legal Advisory Committee, it is currently involved in 70 cases of environment-related litigation.

APPENDIX B
Part I

Sources of Technical Information on Montana Environmental Impact Statements

AREAS OF ENVIRONMENTAL IMPACT AND MONTANA STATE AGENCIES WITH SPECIAL EXPERTISE.

AGRICULTURE

Grazing Leases (on state lands)

Department of State Lands
1625 11th Ave., Helena
449-2074

State Extension Services
Montana State University, Bozeman 59715
994-3402

AIR

Air Quality

Dept. of Health and Environmental Sciences
Air Quality Bureau
Room 224, Cogswell Building
Helena, 59601
449-3454

ENERGY SUPPLY AND NATURAL RESOURCE DEVELOPMENT

Natural Gas Development

Dept. of Natural Resources and Conservation
Oil and Gas Conservation Bureau
325 Fuller Ave., Helena
449-2611

Dept. of Health and Environmental Sciences
Water Quality Bureau
Board of Health Building, Helena
449-3454

Dept. of State Lands (oil and gas leases)
Centralized Services Division
1625 11th Ave., Helena
449-2074

Coal and Minerals

Dept. of Natural Resources and Conservation
Energy Division
25 So. Ewing, Helena
449-3780

Dept. of State Lands
Reclamation Division
Coal and Uranium Mining
Hard Rock Mining
Open Cut Mining
449-2074

Dept. of State Lands
Centralized Services Division
Geothermal leasing
Prospecting permits

Mineral leasing
Surface leasing
449-2074

Dept. of Community Affairs
Coal Board
1424 9th Ave., Helena
449-2400

Major Facility Siting (power plants, transmission lines, etc.)

Dept. of Natural Resources and Conservation
Energy Division
25 So. Ewing, Helena
449-3780

Dept. of Health and Environmental Sciences
Water Quality Bureau
Air Quality Bureau

Utility Regulation

Public Service Commission
1227 11th Ave., Helena
449-3007

Renewable Energy Resources and Energy Conservation

Dept. of Natural Resources and Conservation
Energy Division
25 So. Ewing, Helena
449-3780

Hydroelectric Sites (on state lands)

Dept. of State Lands
Centralized Services Division
1625 11th, Helena
449-2074

FISH AND WILDLIFE

Dept. of Fish and Game
Environment and Information Division
Fish and Game Division, Helena
449-2821

HAZARDOUS SUBSTANCES

Hazardous Waste and Radioactive Material

Dept. of Health and Environmental Sciences
Solid Waste Management Bureau
Board of Health Building, Helena
449-2821

Pesticides

Dept. of Agriculture
Environmental Management Division
1300 Cedar St., Airport Way, Building West
Helena
449-3730

Predator Control

Dept. of Livestock
Predatory Animal and Rodent Control Bureau
Livestock Building, Helena
449-2043

MONTANA STATE LIBRARY
CAPITOL STATION
HELENA MT 59601